

REMARKS

Claims 1, 2, and 5-20 were presented for examination. Claims 1, 2, 5-11, 13, 14, 16, 18, and 19 were rejected as obvious over “Real-time 3D topography by speckle image correlation” by Hsueh et al. (“Hsueh”) in view of U.S. Patent No. 6,278,847 to Gharib et al. (“Gharib”). Claims 12, 15, 17, and 20 were rejected as obvious over Hsueh in view of Gharib and further in view of U.S. Patent No. 5,850,485 to Hart (“Hart”). Applicant respectfully requests that the Examiner reconsider and withdraw the rejections in view of the following arguments.

Rejection of claims 1, 2, 5-11, 13, 14, 16, 18 and 19 under 35 U.S.C. 103(a)

The Examiner rejected claims 1, 2, 5-11, 13, 14, 16, 18 and 19 as obvious over Hsueh in view of Gharib. Claims 1, 7, 10 and 16 are independent claims, each of which recites an aperture element that is rotated to acquire at least two images.

To establish a *prima facie* case of obviousness, three basic criteria must be met. (1) some suggestion or motivation to modify or combine the reference teachings, (2) a reasonable expectation of success, and (3) the references must teach or suggest all the claim limitations.

The Examiner admits that Hsueh does not disclose an image acquisition subsystem having a moveable aperture but asserts that Gharib discloses this element. However, Gharib does not disclose a moveable aperture. Instead, Gharib discloses an imaging element having multiple apertures that are selectively blocked by a moveable blocking element. In support of this assertion, Applicant tenders the Declaration of Dr. George Barbastathis. Dr. Barbastathis is an Assistant Professor in the Department of Mechanical Engineering at the Massachusetts Institute of Technology specializing in optics, particularly three-dimensional (3D) optical systems. See Declaration, ¶ 5

Moreover, the movable aperture recited in the independent claims is not the same as the multiple apertures selectively blocked by a moveable blocking element, as taught by Gharib. See Declaration, ¶¶ 6, 8. It would not be obvious to replace the present invention with the teachings of Gharib.

Applicant therefore, respectfully submits that, in view of the evidence provided by Applicants, the claimed invention is not suggested by the combination of Hsueh and Gharib, which at most suggest using a traditional, multi-aperture lens. Accordingly, Applicant requests that the Examiner reconsider and withdraw the rejection of claims 1, 2, 5-11, 13, 14, 16, 18, and 19 as obvious.

Rejection of claims 12, 15, 17 and 20 under 35 USC 103(a)

Claims 12, 15, 17 and 20, each of which depends from an independent claim, were rejected as obvious over Hsueh in view of Gharib and further in view of Hart. The arguments made above with respect to why the combination of Hsueh and Gharib do not disclose the invention recited by the independent claims apply with equal force here and are reiterated as if set forth in full. Hart does not teach or suggest an image acquisition subsystem defining a moveable aperture. Accordingly, Applicant respectfully submits that the combination of Hsueh, Gharib and Hart fails to teach or suggest an image acquisition subsystem having a moveable aperture, as explicitly recited by the claims.

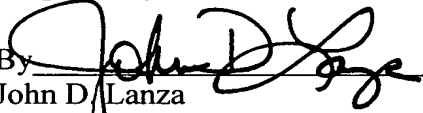
CONCLUSION

In view of the provided evidence and above remarks, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. MIT-003RCE from which the undersigned is authorized to draw.

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Respectfully submitted,

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